

Application No.: 10/820204

Case No.: 58708US004

REMARKS

Claims 1 to 15 are pending. No claims have been canceled. No claims have been withdrawn from consideration. No claims are amended. No claims have been added.

Obviousness-type double patenting

Claims 11-13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19-21 of U.S. Pat. Application No. 10/807,007 (now allowed). The Examiner admits that the conflicting claims are not identical, but asserts that they are not patentably distinct from one another.

In response, enclosed is a "Terminal Disclaimer Under 37 C.F.R. Section 1.321(b)," which disclaims the portion of the term of any patent granted on the instant application that would extend beyond the expiration date of the term of U.S. Pat. Application No. 10/807,007. The Disclaimer also indicates that the instant application, and U.S. Pat. Application No. 10/807,007, are commonly owned by 3M Innovative Properties Company by virtue of assignments recorded at reel/frame 014047/0585 on 05/05/2003 for the parent of the instant application (U.S.S.N. 10/429,487, now U.S. Patent 6,762,257), and at reel/frame 014047/0556 on 05/05/2003 for the parent of U.S. Pat. Application No. 10/807,007 (U.S.S.N. 10/429,438, now U.S. Patent 6,753,391). The Disclaimer further indicates that the chain of title of the instant application has been examined in order to comply with 37 C.F.R. Section 3.73(b).

Since under 37 C.F.R. Section 1.78(d) a terminal disclaimer in compliance with 37 C.F.R. Section 1.321(b) can be used to overcome a non-statutory double patenting rejection, Applicants respectfully request that the double patenting rejection be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested. Allowance of claims 1-15 at an early date is solicited.

Date

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Respectfully submitted,

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